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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
	10/566,674	SUGIMOTO ET AL.			
Office Action Summary	Examiner	Art Unit			
	CHENEA P. SMITH	2623			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	l. lely filed the mailing date of this communication. (35 U.S.C. § 133).			
Status					
Responsive to communication(s) filed on <u>01 Fee</u> This action is FINAL . 2b)⊠ This Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro				
Disposition of Claims					
4) Claim(s) 1-27 is/are pending in the application. 4a) Of the above claim(s) is/are withdrav 5) Claim(s) is/are allowed. 6) Claim(s) 1-27 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or Application Papers 9) The specification is objected to by the Examinet 10) The drawing(s) filed on 01 February 2006 is/are Applicant may not request that any objection to the or	vn from consideration. r election requirement. r. e: a)⊠ accepted or b)⊡ objected drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correcti 11) The oath or declaration is objected to by the Ex-		, ,			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 2/1/06.	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	te			

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DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 26-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 26-27 recite, "a program". A software program is merely a set of instructions, and not a tangible, physical article or object to constitute a manufacture, or a

machine, process or composition of matter. Therefore, claim 26 does not fall within a statutory

category of invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 11-12, 20-21, 23 and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Marsh (US20030237093, hereinafter Marsh).

Regarding claims 1, 21 and 25-27, Marsh discloses a program recommendation apparatus (see Fig. 6) for generating a program guide (see [0039], lines 1-5) that includes recommended program information (see [0073], lines 5-8), comprising:

- a program information obtaining unit (program data provider 206, see Fig. 2) operable to obtain a plurality of pieces of program information (EPG information, see Fig. 2) each relating to a program to be broadcast (see Fig. 2),
- a first obtaining unit (UPF questionnaire 608, see Fig.6) operable to obtain first recommendation information (user preference file information, see Fig. 6) relating to a recommended program (see [0077], lines 1-4),
- a second obtaining unit (user viewing log generator 610, see Fig. 6) operable to obtain second recommendation information (user viewing log information, see Fig. 6) relating to a different recommended program (see [0078], lines 1-6),
- a recommendation information generating unit (recommendation engine 616, see Fig. 6) operable to generate, for a user, user recommendation information relating to a program recommended to the user, based on the obtained first recommendation information and second recommendation information (see [0080] [0082]),
- a program guide generating unit (EPG application 602, see Fig. 6) operable to extract one or more pieces of recommended program information each relating to a program recommended

to the user, from the obtained plurality of pieces of program information, with reference to the generated user recommendation information (see Fig. 6), and

generate a program guide including the extracted pieces of recommended program information in association with the user (see [0073], lines 5-8), and

an output unit (display 622, see Fig. 6) operable to output the generated program guide to be displayed (see Fig. 6).

Regarding claim 11, Marsh discloses wherein a program information obtaining unit obtains a plurality of pieces of program information, by receiving a broadcast wave carrying the plurality of pieces of program information and extracting the plurality of pieces of program information from the received broadcast wave (see Figs. 5 and 6).

Regarding claim 12, Marsh discloses program information each of which at least includes a summary of the program, a scheduled broadcast time of the program, a duration of the program, and a broadcast channel of the program (see [0032]-[0033], and

the program guide generating unit extracts the pieces of recommended program information, with reference to the summary of the program included in each of the plurality of pieces of program information (see Figs. 5 and 6).

Regarding claim 20, Marsh discloses a first obtaining unit obtaining a first recommendation information including generator identification information indicating a generator who has generated the first information (the file must contain an identification of the user who fills out the questionnaire since the questionnaire is specific to the user, and is used to generate a file of the user's preferences, see Marsh, [0077]).

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apparatus further comprising:

Regarding claim 23, Marsh discloses a reception/recording apparatus (see [0047], lines 5-8) for receiving and recording a broadcast (see [0047], lines 5-8), a program recommendation

a receiving unit operable to receive a broadcast program content (see Fig. 2),

an information storing unit (content buffer 606, see Fig. 6),

a judging unit operable to judge whether the received program content is to be recorded, with reference to the user recommendation information generated by the recommendation information generating unit (see [0088], lines 5-10), and

a writing unit operable to write, when the judging unit judges that the program content is to be recorded, the program content into the information storing unit (see [0047], lines 5-8 and [0073], lines 8-15).

Regarding claim 27, Marsh discloses a computer-readable recording medium (see [0234], lines –2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2, 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh (previously cited) in view of Numata et al. (US20020035727, hereinafter Numata).

Regarding claim 2, Marsh discloses wherein a program guide generating unit aligns the extracted pieces of recommended program information in an order determined according to a priority assigned to a user (see [0142]), but does not specifically disclose generating the program guide including the aligned extracted pieces of recommended program information.

In an analogous art, Numata discloses generating a program guide including extracted pieces of recommended program information aligned in an order determined according to a user (see Fig. 15).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Marsh's system to include generating a program guide including extracted pieces of recommended program information aligned in an order determined according to a user, as disclosed by Numata, for the advantage of providing a system for allowing multiple users to efficiently view recommended programs associated with each specific user.

Regarding claim 10, Marsh in view of Numata discloses a program guide generating unit (EPG application 602, see Marsh, Fig. 6) aligning extracted pieces of recommended program information (see Marsh, [0142]) in a chronological order (see Numata, Fig. 15 #34), and generating the program guide including the chronologically aligned extracted pieces of recommended program information (see Numata, Fig. 15 #34).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Marsh's system to include aligning extracted pieces of recommended

program information in a chronological order, and generating the program guide including the chronologically aligned extracted pieces of recommended program information, as disclosed by Numata, for the advantage of providing a system that allows a user to view recommended programming by day.

Regarding claim 24, Marsh in view of Numata discloses a program guide output by an output unit is displayed by a display apparatus (see Marsh, Fig. 6), and the program recommendation apparatus further comprises:

- a reception unit operable to receive a selection of one of programs included in the program guide displayed by the display apparatus (see Numata, [0076], lines 16-20),
- a reading unit operable to read a program content corresponding to the selected program, from the information storing unit (see Numata, [0076], lines 16-20),
- a signal generating unit operable to generate an audio-visual signal from the read program content (see Numata, [0076], lines 16-20), and
- a signal output unit operable to output the generated audio-visual signal to the display apparatus (see Numata, [0076], lines 16-20).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Marsh's system to include a reception unit operable to receive a selection of one of programs included in the program guide displayed by the display apparatus, a reading unit operable to read a program content corresponding to the selected program, from the information storing unit, a signal generating unit operable to generate an audio-visual signal from the read program content and a signal output unit operable to output the generated audio-visual signal to

the display apparatus, as disclosed by Numata, for the advantage of providing a fully interactive

system for a user.

7. Claims 3, 5-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Marsh (previously cited) in view of Numata (previously cited), as applied to claim 2 above, and

further in view of Kerne (US20010034740, hereinafter Kerne).

Regarding claim 3, Marsh in view of Numata discloses a screen generating unit (see

Marsh, Fig. 6) operable to form a plurality of user display areas (see Numata, Fig. 15 #56),

priorities assigned to users (see Marsh, [0142]), generating a priority screen including the formed

plurality of user display areas (see Numata, Fig. 15), and a screen output unit (display 622, see

Marsh, Fig. 6) operable to output the generated priority screen to be displayed (see Numata, Fig.

15), but does not specifically disclose areas respectively having sizes determined according to

priorities assigned.

In an analogous art, Kerne discloses areas respectively having sizes determined according

to priorities assigned (see [0051], lines 1-9 and [0059], lines 1-11).

It would have been obvious for a person having ordinary skill in the art at the time of the

invention to modify the system of Marsh in view of Numata to include areas respectively having

sizes determined according to priorities assigned, as disclosed by Kerne, for the advantage of

providing a system that dynamically prioritizes the allocations of screen space based on users'

importance and interests.

Regarding claim 5, Marsh in view of Numata, and further in view of Kerne discloses a screen generating unit (see Marsh, Fig. 6) forms a plurality of user display areas which are rectangular (see Numata, Fig. 15), and arranges the rectangular user display areas within a priority screen (see Numata, Fig. 15).

Regarding claim 6, Marsh in view of Numata, and further in view of Kerne does not specifically disclose displaying pieces of priority information respectively indicating the priorities assigned to the plurality of users. Marsh in view of Numata, and further in view of Kerne does disclose a screen generating unit (see Marsh, Fig. 6) further causing a plurality of pieces of priority information respectively indicating the priorities assigned to the plurality of users (see Marsh, [00152]), and information displayed in the plurality of user display areas (see Numata, Fig. 15).

Applying the known technique of displaying user information in an EPG - as disclosed by Numata - to Marsh's system to display of the pieces of priority information respectively indicating the priorities assigned to the plurality of users disclosed by Marsh yields the predictable result of allowing users to actually see the rankings of the present users. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the system of Marsh in view of Numata and Kerne to display the rankings that are assigned to each user for the predictable result of enabling users to see the rankings, for the advantage of providing a visual tribute to a user that is ranked highly as a result of personal achievement (see Marsh, [0153]).

Regarding claim 7, Marsh in view of Numata, and further in view of Kerne discloses a screen generating unit (see Marsh, Fig. 6) further obtains genre information indicating a program

genre corresponding to the user recommendation information (see Marsh, [0143]), and causes the obtained genre information to be displayed within a corresponding one of the plurality of user display areas (see Numata, Figs. 8, 14 and 15).

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Regarding claim 9, Marsh in view of Numata, and further in view of Kerne discloses a receiving unit operable to receive an increase or decrease in the sizes (see Kerne, [0069]) of the plurality of user display areas included in the priority screen (see Numata, Fig. 15), and a modifying unit operable to modify the priorities assigned to the plurality of users (see Marsh, [0153]), based on the sizes of the plurality of user display areas which have been changed according to the received increase or decrease (see Kerne, [0069]).

8. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh (previously cited) in view of Numata (previously cited), and Kerne (previously cited), as applied to claim 3 above, and further in view of Elia et al. (US20050010955, hereinafter Elia).

Regarding claim 4, Marsh in view of Numata and Kerne discloses a screen generating unit (see Marsh, Fig. 6) generating a priority screen (see Numata, Fig. 15), and forms a plurality of user display areas (see Numata, Fig. 15) which are respectively sectors (see Numata, Fig. 15), but does not specifically disclose a screen which is circular, or sectoral display areas arranged around a central point of the circular screen.

In an analogous art, Elia discloses a screen which is circular (see Fig. 2), and sectoral display areas arranged around a central point of the circular screen (see Fig. 2).

information at once.

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the system of Marsh in view of Numata and Kerne to include a screen which is circular, and sectoral display areas arranged around a central point of the circular screen, as disclosed by Elia, for the advantage of improving the efficiency of displaying large amounts of

Regarding claim 8, Marsh in view of Numata and Kerne, and further in view of Elia discloses a screen generating unit (see Marsh, Fig. 6) further obtaining a representative image of a program (see Elia, [0032], lines 4-7) recommended by a user recommendation information (see Marsh, [0143]), and causing the obtained representative image to be displayed (see Elia, [0032], lines 4-7 and Fig. 2) within a corresponding one of the plurality of user display areas (see Numata, Fig. 15).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the system of Marsh in view of Numata and Kerne to include obtaining a representative image of a program, and causing the obtained representative image to be displayed, as disclosed by Elia, for the advantage of providing a more user-friendly system that displays content in a unique and appealing format.

9. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh (previously cited), as applied to claim 1 above, and further in view of Van Stam (US20030014759, hereinafter Van Stam).

Regarding claim 13, Marsh discloses a first obtaining unit (UPF questionnaire 608, see Fig. 6), and a second obtaining unit (user viewing log generator 610, see Fig. 6) including:

a recommendation information storing unit (content buffer 606, see Fig. 6) prestoring the second recommendation information (see Fig. 6), and

a recommendation information reading unit (recommendation engine 606, see fig. 6) operable to read the second recommendation information from the recommendation information storing unit (see Fig. 6).

Marsh does not specifically disclose obtaining recommendation information from a different apparatus.

In an analogous art, Van Stam discloses obtaining recommendation information from a different apparatus (see [0023]-[0028], line 2 and [0030], lines 14-16).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Marsh's system to include obtaining recommendation information from a different apparatus, as disclosed by Van Stam, for the advantage of providing a system for collaborative suggestions while safeguarding the privacy of individual users.

Regarding claim 14, Marsh in view of Van Stam discloses a program recommendation apparatus (recommendation engine 616, see Marsh, Fig. 6) connected to a different apparatus (see Van Stam, [0023]-[0028], line 2 and [0030], lines 14-16) via a network (see Van Stam, [0011], lines 1-4) and the first obtaining unit (UPF questionnaire 608, see Marsh, Fig. 6) obtains the first recommendation information from the different apparatus (see Van Stam, [0023]-[0028], line 2 and [0030], lines 14-16) via the network (see Van Stam, [0011], lines 1-4).

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh

(previously cited) in view of Van Stam (previously cited), as applied to claim 13 above, and

further in view of Buczak (US20030229896, hereinafter Buczak).

Regarding claim 15, Marsh in view of Van Stam discloses a first obtaining unit obtains

the first recommendation information including a first condition (attribute values, see Marsh,

[0075], lines 1-6) to select the recommended program (see Marsh, [0075], lines 1-6),

a second obtaining unit obtains the second recommendation information including a

second condition (attribute values, see Marsh, [0075], lines 1-6) to select the different

recommended program (more than one program is recommended, see Marsh, [0075], lines 1-6),

and a recommendation information generating unit (recommendation engine 616, see

Marsh, Fig. 6) to generate a recommendation condition, and generates the user recommendation

information including the recommendation condition (see Marsh, [0077]).

Marsh in view of Van Stam does not specifically disclose extracting the first condition

and second condition respectively from the first recommendation information and second

recommendation information and combining the extracted first condition and the second

condition using a logical operation.

In an analogous art, Buczak discloses extracting the first condition and second condition

respectively from the first recommendation information and second recommendation information

and combining the extracted first condition and the second condition using a logical operation

(see claim 1).

strength of the recommendation to the user.

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the system of Marsh in view of Van Stam to include extracting the first condition and second condition respectively from the first recommendation information and second recommendation information and combining the extracted first condition and the second condition using a logical operation, as disclosed by Buczak, for the advantage of enhancing the

11. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh (previously cited) in view of Van Stam (previously cited) and Buczak (US20030229896, hereinafter Buczak), as applied to claim 15 above, and further in view of Wasserman et al. (US20030208761, hereinafter Wasserman).

Regarding claims 16 and 17, Marsh in view of Van Stam and Buczak discloses a first obtaining unit obtaining first recommendation information, the second obtaining unit obtains the second recommendation information, the recommendation information generating unit extracting the first information and second information respectively from the first recommendation information and second recommendation information and the program guide generating unit extracting the pieces of recommended program information satisfying the recommendation condition included in the user recommendation information, but does not specifically disclose information including a first keyword information as the first condition, including a second keyword information as the second condition, and combining, using a logical operation, the first

keyword information and second keyword information, to generate the recommendation condition.

In an analogous art, Wasserman discloses information including a first keyword information (a search formula generated by combining a plurality of keywords must be included since the system hashes any search term using the same hash process as used for the EPG information, of which the entire EPG data segment is hashed, see [0031], lines 12-16 and [0041], lines 1-5) as the first condition (Gilligan, see [0034]), including a second keyword information (a search formula generated by combining a plurality of keywords must be included since the system hashes any search term using the same hash process as used for the EPG information, of which the entire EPG data segment is hashed, see Wasserman, [0031], lines 12-16 and [0041], lines 1-5) as the second condition (see [0050], lines 2-4), and combining, using a logical operation, the first keyword information and second keyword information, to generate the recommendation condition (see [0031], lines 12-16 and [0041], lines 1-5).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the system of Marsh in view of Van Stam and Buczak to include information including a first keyword information as the first condition, including a second keyword information as the second condition, and combining, using a logical operation, the first keyword information and second keyword information, to generate the recommendation condition, as disclosed by Wasserman, for the advantage of enhancing the strength of the recommendation to the user.

12. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh

(previously cited) in view of Van Stam (previously cited) and Buczak (previously cited), as

applied to claim 15 above, and further in view of Herrington et al. (US6865746, hereinafter

Herrington).

Regarding claim 18, Marsh in view of Van Stam and Buczak discloses combining a first

condition and a second condition using a logical operation, but does not specifically disclose

receiving a designation of the logical operation from a user.

In an analogous art, Herrington discloses receiving a designation of a logical operation

from a user (see col 1, lines 58-62 and col 10, lines 10-13).

It would have been obvious for a person having ordinary skill in the art at the time of the

invention to modify the system of Marsh in view of Van Stam and Buczak to include receiving a

designation of a logical operation from a user, as disclosed by Herrington, for the advantage of

for the advantage of enhancing the strength of the recommendation to the user.

13. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh

(previously cited), as applied to claim 1 above, and further in view of Stone (US20030070168,

hereinafter Stone).

Regarding claim 19, Marsh discloses a first obtaining unit obtaining first

recommendation information, a recommendation information generating unit generating the user

recommendation information, and a program guide generating unit extracting information, but

does not specifically disclose information including viewing permission information indicating whether a user has viewing permission, or extracting the viewing permission information from the user recommendation information, and when the extracted viewing permission information indicates that the user has viewing permission, extracts the pieces of recommended program information.

In an analogous art, Stone discloses information including viewing permission information indicating whether a user has viewing permission, and extracting the viewing permission information from the user recommendation information, and when the extracted viewing permission information indicates that the user has viewing permission, extracts the pieces of recommended program information (see [0034], lines 9-16).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Marsh's system to include information including viewing permission information indicating whether a user has viewing permission, and extracting the viewing permission information from the user recommendation information, and when the extracted viewing permission information indicates that the user has viewing permission, extracts the pieces of recommended program information, as disclosed by Stone, for the advantage of providing a system allowing a parent to have control over programs recommended to a child.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh 14. (previously cited), as applied to claim 1 above, and further in view of Ellis et al. (US 7065709, hereinafter Ellis).

Regarding claim 22, Marsh discloses a program recommendation apparatus and an external output unit outputting the output recommendation information to the external apparatus, but does not specifically disclose a program recommendation apparatus connected to an external apparatus via a network.

In an analogous art, Ellis discloses a program recommendation apparatus (program guide server 25, see Fig. 2a and col 19, lines 33-36 and lines 54-61) connected to an external apparatus (user television equipment 22, see Fig. 2a) via a network (communications path 20, see Fig. 2a and col 5, lines 36-44).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Marsh's system to include a program recommendation apparatus connected to an external apparatus via a network, as disclosed by Ellis, for the advantage of reducing the processing demands on a user's device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENEA P. SMITH whose telephone number is (571)272-9524. The examiner can normally be reached on Monday through Friday, 7:30 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent

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/Chenea P. Smith/

Examiner, Art Unit 2623

/Christopher Grant/

Supervisory Patent Examiner, Art Unit 2623